Young Offender

P R O T O C O L

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Introduction

History of Protocol Development

In the mid 1980s, the delivery of services to youth and their families was set on a new course by legislative changes. The Young Offenders Act was enacted in 1984 replacing the Juvenile Delinquents Act. Then, in 1985, the Child Welfare Act was proclaimed, legislating services to children in need of protection. The Department of the Solicitor General is responsible for youth facing criminal charges while the Department of Family and Social Services is responsible for protection concerns.

The two departments engaged in a series of joint endeavours since the enactment of the Young Offenders Act and the Child Welfare Act aimed at establishing smooth working procedures when dealing with youth having joint status. The projects and interactions have acted as stepping stones towards the development of protocols that are efficient at the local, regional and provincial levels.

The need for protocols was recognized in 1985 when an extensive survey of staff from both departments highlighted a set of issues. The issues were addressed through a joint workplan that led to training seminars, ad hoc working committees, and discussion on policy questions. An agreement to proceed with the development of protocols was reached in June of 1987. Consultation with key players and decision makers at the various levels of both departments led to this document which outlines the protocols.

Intent

4 The intent of the Department of Family and Social Services and the Department of the Solicitor General is to set rules of procedure for ongoing interactions between the staff of both departments and their agents in dealing with joint clients. The protocol will describe how the two departments and their agents should work together for the benefit of youths who have joint status or for those who need Family and Social Services involvement yet have no child welfare status. The protocol will create a process for the resolution of day to day issues, thereby laying the foundation for good working relationships and for a more effective coordinated provision of services to youth.

Guiding Principles and Assumptions in Program Delivery for the Department of the Solicitor General

Introduction

The Young Offenders Act provides for the protection of society against crimes committed by youth, but also establishes guidelines for dealing with young offenders in a manner distinct from adult criminals. These general principles govern the implementation and operation of programs and services offered by the Young Offender Program. They are as follows:

1.01 Youth should not always be held accountable in the same manner as adults, but nevertheless must bear responsibility for their contraventions.

1.02 Although young offenders need supervision, discipline and control, they also have special needs because of their level of maturity and require guidance and assistance.

1.03 Where it is not inconsistent with the protection of society, taking no measures or taking measures other than judicial proceedings should be considered for dealing with youth who have committed offences.

1.04 Youth have rights and freedoms as stated in the Canadian Charter of Rights or in the Canadian Bill of Rights, and have the right to be heard and participate in processes leading to decisions which affect them.

1.05 Youth, according to the Young Offenders Act, have a right to the least possible interference with their freedoms even though they may have committed a crime, provided the protection of society is not jeopardized.

1.06 Parents have the responsibility for the care and supervision of their children, and any disposition or procedure which removes youth from home totally or partially should be taken only when continued parental supervision would be inappropriate.

Assumptions

In addition to the principles derived from the Young Offenders Act, the Young Offender Program relies on a set of assumptions about young offenders in developing programs and services to carry out its mandate. They are that young offenders:

2.01 Require proper guidance, support, and supervision from adult role models.

2.02 Need opportunities to exercise reasonable control over their own lives.

2.03 Have developmental needs in the social, educational, emotional, physical and spiritual areas.

2.04 Are part of cultural, social and family systems which influence their behavior.

2.05 Often have special needs based on ethnic or family background, and physical, mental or emotional conditions.

2.06 Can be expected to learn responsible decision making.

2.07 Are to be held accountable for their actions.

Fundamental Beliefs of the Child Welfare Act

The Child Welfare Act was built on fundamental beliefs about the interrelationship among children, families and communities including the following:

1.01 The role of the department is to encourage and support individual, family and community responsibilities towards the survival, security and development of its children.

1.02 The family, in its various forms, is the fundamental setting for the nurturing and caring of those youth through to their transition to adulthood.

1.03 Families interact and receive support within the context of their community; a positive community can have significant impact on the families and their children.

Matters to be Considered

When it becomes clear that a child's survival, security or development may be at risk, the department has a responsibility to intervene into the affairs of the family for the sake of protecting a child. The intervention must be done in a manner which focuses on the best interests of the child while supporting the enhanced functioning of the family.

In Section 2, the Child Welfare Act sets out "matters to be considered" in taking any action with a child:

A Court and all persons shall exercise any authority or make any decision relating to a child who is in need of protective services under this Act in the best interests of the child and in doing so shall consider the following as well as any other relevant matter:

2.01 The family is the basic unit of society and its well-being should be supported and preserved.

2.02 The interests of a child should be recognized and protected.

2.03 The family has the right to the least invasion of its privacy and interference with its freedom that is compatible with its own interest, the interest of the individual family member and society.

2.04 A child, if the child is capable of forming an opinion, is entitled to an opportunity to express that opinion on matters affecting the child, and the child's opinion should be considered by those making decisions that affect the child.

2.05 The family is responsible for the care and supervision of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end:

- if protective services are necessary to assist the family in providing for the care of a child, those services should be supplied to the family insofar as it is reasonably practicable to do so in order to support the family unit and to prevent the need to remove the child from the family; and,

- a child should be removed from the family only when other less intrusive measures are not sufficient to protect the survival, security or development of the child.

2.06 Any decision concerning the removal of a child from the child's family should take into account:

- the benefits to the child of maintaining, wherever possible, the child's familial, cultural, social and religious heritage;
- the benefits to the child of stability and continuity of care and relationships;
- the risks to the child if the child remains with the family, is removed from the family, or is returned to the family; and,
- the merits of allowing the child to remain with the family compared to the merits of removing the child from the family.

2.07 If it is not inconsistent with the protection of a child who may be in need of protective services, the child's family should be referred to community resources for services that would support and preserve the family and prevent the need for any other intervention under this Act.

2.08 Any decision concerning the placement of a child outside the child's family should take into account:

- the benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage;
- the benefits to the child of stability and continuity of care and relationships;
- the benefits to the child of a placement within or as close as possible to the child's home community;

- the mental, emotional and physical needs of the child and the child's mental, emotional and physical stage of development; and,

- whether or not the proposed placement is suitable for the child.

2.09 The provision of protective services is intended to remedy or alleviate the condition that caused the child to be in need of protective services.

2.10 If a child is being provided with care under this Act, the child should be provided with a level of care that is adequate to meet the needs of the child and consistent with community standards and available resources.

2.11 If a child is being provided with care under this Act, a plan for the care of a child should be developed that will address the child's need for stability and continuity of care and relationships.

2.12 A person who assumes responsibility for the care of a child under this Act should endeavour to make the child aware of the child's familial, cultural, social and religious heritage.

2.13 There should be no unreasonable delay in making or implementing a decision affecting a child.

(Child Welfare Act)

The Department of Family and Social Services acknowledges parental rights and responsibilities in responding to the Young Offenders Act. However, there are case management planning, coordination and service approval decisions that require the continued involvement of the child protection case manager. Youth workers and child protection case managers will work as collaterals in providing service to youth. In responding to the need of youth who are addressed in this protocol, the Department of Family and Social Services follows the guidelines below:

Parental Responsibility

1.01 Parents have responsibility for the care and supervision of youth; therefore, they are expected to actively participate in performing the tasks and duties of a parent as outlined in the Young Offenders Program.

1.02 Where the youth is under permanent guardianship, the child protection case manager will carry out the responsibilities of a parent.

1.03 Where the youth is under temporary guardianship or custody agreement, the child protection case manager will ensure through negotiation with the parent, that the responsibilities of a parent are performed by the parent or the child protection case manager.

1.04 Where the youth is under a support agreement, the child protection case manager will provide support to the parents in carrying out parental responsibilities to the Young Offenders Program.

Case Management Responsibility

2.01 The Department of Family and Social Services has case management responsibility for youth who have child welfare status; therefore, the child protection case manager will act cooperatively with the youth worker and their caregivers to provide needed services to the youth.

2.02 The child protection case manager will maintain contact with the youth and will involve the youth in case planning activities.

2.03 Child protection case managers will make every effort to attend case conferences called to address significant transitions for the youth, but will meet other communication needs through teleconference, written reports or other meetings.

2.04 Youth will not be excluded from the resources and services of the Department of Family and Social Services because of charges laid or the involvement of the youth in the Young Offender Program.

Information Sharing

3.01 Information will be shared in a timely, respectful and reasonable manner as governed by the Child Welfare Act balancing the confidentiality of the youth and parents against a youth worker's need for information to provide appropriate service.

Referrals

4.01 Child protection case managers will work cooperatively with youth workers to identify youth with child protection concerns or youth who would benefit from a referral to an informal community program.

Protocols

Case management consultation, information sharing and planning are imperative to offering continuous and integrated services to youth who have joint status.

Youth Charged/Child Welfare Status

1.01 Child protection case managers will respond to police inquiries regarding the status of a youth by conducting a CWIS check and giving the name and contact for the youth's child protection case manager.

1.02 Child protection case managers will respond to notification of charges from the police by contacting the youth, and parent or caregiver. Consultation and planning will focus on the options presented, usually one of two: to prepare for the youth's involvement in an Alternative Measures Program or to prepare representation in court.

1.03 Where child protection case managers assume parental responsibilities, they will seek clarification of the implications of the charges and extend their involvement to every reference in the Young Offenders Act for parental involvement.

1.04 A child protection case manager will attend court with a youth under permanent guardianship, temporary guardianship or custody agreement, and normally will attend court with a youth under a support agreement or supervision order.

1.05 Where a Youth Court judge specifies a child protection case manager as a responsible person for a youth under permanent or temporary guardianship or custody agreement until the first court appearance, the child protection case manager will plan with the youth and caregivers for the court appearance.

1.06 Where a Youth Court judge specifies a responsible person for a youth under support agreement or supervision order until the first court appearance, the child protection case manager will plan with the parents for the first court appearance.

Youth in Detention/Child Welfare Status

2.01 Police must provide the parent/guardian with a notice of arrest, reason for arrest and place of detention. However, a youth worker will make immediate pre-hearing contact with the child protection case manager to provide detail of the arrest.

2.02 Where a youth is under permanent or temporary guardianship, a youth worker will request from the child welfare case manager a release of information to the detention facility.

2.03 Child protection case managers will respond to a request for a release of information by obtaining the consent of the district office manager to disclose information to the youth worker.

2.04 Child protection case managers will consult with the youth and parents or child welfare caregivers to plan for any set hearing: a judicial interim release (bail) hearing, a hearing of charges in youth court, or a hearing regarding a transfer to adult court.

Youth in Remand/Child Welfare Status

3.01 When a youth under any child welfare status (i.e. permanent or temporary guardianship, custody agreement, support agreement or supervision order) receives a period of remand, a youth worker will, within 24 hours, advise the child protection case manager.

3.02 Where the youth is under temporary or permanent guardianship or custody agreement, the child protection case manager or regional designate will attend all court hearings. Normally the child protection case manager will attend court hearings with youth under support agreements or supervision orders.

3.03 The youth worker and child protection case manager will decide on a case conference format. The frequency of conferences will depend on such factors as the length of the remand, type of child welfare status, and if the youth is in need of protection.

Youth with Probation/Child Welfare Status

4.01 Where a probation officer is completing a predisposition report and the youth is under any child welfare status, (i.e. permanent or temporary guardianship, custody agreement, support agreement or supervision order), the probation officer will, within one working day, advise the child protection case manager.

4.02 Where a youth is under guardianship, a probation officer will request from the child welfare case manager a release of information.

4.03 Child protection case managers will respond to a request for a release of information by obtaining the consent of the district office manager to disclose information to the probation officer.

4.04 The probation officer will, within 30 days of the commencement of a probation order, convene a case conference for all youth with child welfare status which will include the child protection case manager.

4.05 The initial and any subsequent case conferences will address length of disposition, educational needs, duration of guardianship, involvement of parents, treatment issues, obligations arising from the court disposition, and coordination of the case for the duration of the disposition.

4.06 Child welfare has the mandate to be involved with families in the protection of children. The probation officer will defer the decision for intensive family involvement to the child protection case manager.

Youth in Custody/Child Welfare Status

5.01 When a youth under any child welfare status (i.e. permanent or temporary guardianship, custody agreement, support agreement or supervision order) receives a custody order, the youth worker will immediately advise the youth's child protection case manager.

5.02 An intake conference, which will include the child protection case manager, will be convened by the young offender's youth worker at the young offender facility within two weeks of the commencement of the disposition.

5.03 Factors to be considered at the intake conference include the length of disposition, educational needs, duration of guardianship, involvement of parents, accumulated time in care, treatment and release planning.

5.04 Release planning may include reviewing applications to release the offender early on probation or temporary releases prior to expiration of disposition. Release planning will be discussed at the intake and subsequent case conference. This will enable child welfare to access a suitable placement upon discharge of the youth, which is usually earlier than the full custody expiry date.

5.05 The intake conference will result in a young offender case plan completed by the youth worker and distributed to all participants.

5.06 The young offender case plan will define the commitments and tasks agreed to by both departments, parents and other collaterals.

5.07 Where the youth is under permanent guardianship, the child protection case manager will maintain responsibility for parental duties. However, where the youth has another status the duties may be shared with the parents.

5.08 Any child protection case manager's decision to terminate custody agreement or support agreements will include consultation with the youth worker. The decision may include a commitment to review child welfare status at a later date.

5.09 The need for subsequent information sharing will be identified at the intake conference. Either department may call additional case conferences, teleconferences, or other meeting to discuss unplanned significant issues (i.e. court appearances, transfers or release planning).

5.10 Parents, guardians and caregivers, where appropriate, will be involved in the case conference process.

5.11 When a youth is under permanent or temporary guardianship or custody agreement, the child protection case manager has the responsibility to make placement arrangements for release. Youth workers will arrange with parents for the return home of youth under support agreements or supervision orders. The youth worker will be responsible for travel arrangements for all youth to the home community.

5.12 Any disputes/appeals that cannot be resolved through the departmental review processes are to be referred to the Regional Liaison Committee for resolution.

Funding of Services for Joint Status Clients

6.01 The determination to continue or initiate contracted services for a youth with joint status will be made at the intake or subsequent case conferences. The departments must agree the service is of value and appropriate to the youth's case plan.

6.02 Services that were initiated by child welfare before the youth's involvement in the young offender system remain the responsibility of the Department of Family and Social Services. These can include, but are not exclusive of, counselling and family support services.

6.03 Youth with child welfare status who may benefit from existing child welfare programs such as family support, counselling or other supportive services related to integration to a stable placement, will have access to these programs at the expense of the Department of Family and Social Services.

6.04 Services provided routinely to young offenders as a means of ensuring a successful transition to community placements will be provided to joint status youth at the expense of the Department of the Solicitor General.

6.05 Psychological/psychiatric services for joint status youth in custody, not initiated before the youth came into custody, are the responsibility of the Department of the Solicitor General.

6.06 The cost and arrangement of young offender court ordered assessments are the responsibility of the Department of the Solicitor General.

6.07 The cost of a specific young offender court ordered treatment condition on a probation order is the responsibility of the Department of the Solicitor General.

6.08 Where it is mutually determined by the youth worker and the child protection case manager that a joint status youth requires a service which is not specially court ordered and which has not been previously accessed by the youth at the expense of either department, the cost will be shared equally by the Department of Family and Social Services and the Department of the Solicitor General.

6.09 Related assessment or transportation costs are the responsibility of the department contracting the service.

6.10 The Department of the Solicitor General does not have the ability to extend disposition orders. Therefore, at the end of a youth court disposition, the Solicitor General cannot continue services. In these cases, for joint status youth, if a determination is made to continue services the expense will be the responsibility of the Department of Family and Social Services.

6.11 Funding questions that cannot be resolved through normal interdepartmental discussion will be referred to the Regional Liaison Committee.

Disclosure of Information by the Department of Family and Social Services

Youth workers request the disclosure of information regarding youth who are receiving or have recently received child welfare services. Such information is requested for a variety of reasons: delivering appropriate service in the Alternative Measures program; attention to a youth's individual needs in detention or remand; providing background information to hearings; preparation of pre-disposition reports; and case planning throughout the disposition.

Section 91 of the Child Welfare Act requires the confidentiality of information collected through the administration of the Act regarding children and their families who are current or former clients. Requests from the Department of the Solicitor General fall under Section 91(2)(j). Disclosure of the information occurs with the written consent of the Minister through the Minister's delegate, the District Office Manager.

Confirmation of Child Welfare Status

1.01 When a youth worker makes a request to the Department of Family and Social Services to clarify the joint status of a youth, the youth worker will provide the following information:

- the young offender's surname and given names;
- any alias names used by the young offender;
- the gender of the young offender;
- the young offender's birthdate;
- the names of the young offender's parents/ guardians; and,
- the address of the parents/guardians;

1.02 The Department of Family and Social Services will confirm the following information:

- the existence of a child welfare file; and,
- the child protection case manager and district office responsible for the file.

Youth in an Alternative Measures Program

2.01 The child protection case manager will seek the consent of the district office manager to disclose information on youth under permanent or temporary guardianship that facilitates planning for fine options, community service programs, or other programs offered as an alternative to Youth Court.

2.02 Youth workers will collect information from the parents of youth under custody agreement, support agreements or supervision orders. Where additional information is required for the coordination and case management of services, the child protection case manager will share information with the consent of the district office manager.

Youth in Detention or Remand

3.01 The child protection case manager will seek the consent of the district office manager to disclose information on youth under permanent or temporary guardianship that is relevant to providing appropriate care to youth: medical, physical or mental health needs (e.g. routines, prescriptions, treatments, alerts); behavior management precautions or strategies; significant individuals who would provide informal support to the youth.

3.02 Youth workers will collect information from the parents of youth under custody agreements or support agreements or supervision orders. Where additional information is required for the delivery of appropriate care, the child protection case manager will share information with the consent of the district office manager.

Preparation for Hearing

4.01 Child protection case managers will seek consent from the district office manager to discuss options presented at court hearings arising from the charges. As an advocate or guardian for the youth, the child protection case manager will provide information that facilitates the court's decision on the best option for the youth.

4.02 Where the youth is under permanent or temporary guardianship, the child protection case manager will discuss with the youth all options available to the youth and prepare a representation for the hearing.

4.03 Where a youth is under custody or support agreement or supervision order, the youth worker will discuss the options directly with the parents. With the consent of the district office manager, the child protection case manager will discuss the impact of options and any child welfare resources that may be explored.

4.04 Where a youth under permanent or temporary guardianship or custody agreement is placed in the care of a child protection case manager as a responsible person, the child protection case manager, with the consent of the district office manager, will advocate for the youth with parents, caregivers and youth workers.

5.01 Child protection case managers will seek the consent of the district office manager to disclose information to the youth worker that might assist the court in making a disposition.

5.02 Where the youth is under permanent or temporary guardianship, the child protection case manager will disclose with the consent of the district office manager, any of the following information that is relevant to the court's request:

- identifying information (name, age, sex, address, child welfare status);
- identifying information of guardians (name, address);
- placement history specific to the youth (assessment, counselling, community services);
- information necessary to provide adequate attention to current medical, physical or mental health needs (prescriptions, medical treatments or precautions, infection control alerts);
- current reasons for child welfare intervention and the case plan for the youth;
- involvement of the family in support of the current case plan for the youth;
- details of current support services provided for the youth;
- behavior management strategies found to be effective with the youth;

- specification and details of any known management problems (abusive to staff or peers, explosive temper, history of AWOL, child management critical incident reports);

- strengths and weaknesses of the youth's social problems (promiscuity, behavioral deviations, abusive experiences);

- service history of guardians or other significant persons (assessments, treatments, support services);

- details of the social history of guardians or other significant persons (alcohol or drug abuse, child abuse or neglect, bizarre behavior, work history, family conflict);

- details of the financial information of guardians or other significant persons;

- details of the medical history of guardians or other significant persons (sexually transmitted diseases, communicable diseases, mental health diagnosis);

- details of a youth's medical conditions or history (sexually transmitted diseases, communicable diseases, life threatening condition, mental health diagnosis); and,

- details of a youth's sexual history (abuse, prostitution, sexual deviation, sexual orientation).

5.03 Where the youth is under a custody agreement, support agreement or supervision order, the youth worker will seek information from parents. However, if additional information is required, the child protection case manager will provide information with the consent of the district office manager.

Case Planning

6.01 Child protection case managers will seek the consent of the district office manager to disclose information on youth under permanent or temporary guardianship needed for the development of the young offender case plan. Information listed above for the predisposition report is information that may be relevant.

6.02 Where the youth is under a custody agreement, support agreement or supervision order, the youth worker will seek information from parents. However, if additional information is required, the child protection case manager will provide the information with the consent of the district office manager.

Sensitive Information

7.01 The district office manager may consider some relevant information as harmful or sensitive to the youth or others if included in a court report or a young offender caseplan. Such information will be placed in a separate report with specified distribution.

Previous Child Welfare Status

8.01 Where the youth previously has been under permanent or temporary guardianship, the child protection case manager will seek consent from the district office manager to disclose information relevant to the current placement and rehabilitative needs of the youth.

8.02 Where the youth was under custody, support agreements or supervision orders, the youth worker will seek information from the parents. However, when additional information is required, the child protection case manager may provide the information with the consent of the district office manager.

Procedures for the Release of Information

9.01 Youth workers will approach the guardians of a youth directly for information and will discuss with the youth and guardians their intent to obtain additional information from the child protection case manager.

9.02 The child protection case manager receives the requests from the youth worker and ensures that appropriate consent is obtained from the district office manager before information is disclosed.

9.03 The consent to disclose information will be specific as to the information to be disclosed, the purpose for the disclosure, the recipient of the information, the period of time during which the consent is effective, and any restrictions.

9.04 In disclosing information, a file will never be passed to a staff member of the Department of the Solicitor General for their review.

9.05 File information written by employees of the Department of Family and Social Services will be summarized and noted on the youth's file by the child protection case manager and disclosed through verbal reports or written summary reports.

9.06 Child protection case managers will not disclose the contents of reports provided by non-departmental employees. However, the existence of non-departmental reports may be specified and information given to locate the author. Where the author of the report gives written consent to the youth worker, the child protection case manager will release a copy of the report.

9.07 As the child protection case manager is the main contact for the disclosure of information, foster parents, child and youth care workers or others involved in the direct care of the youth will only disclose information through the specific consent of the district office manager.

9.08 The youth worker will discuss with the youth information that has been disclosed and which will appear in court reports.

9.09 Where a file contains information about a person who is not the subject of the record being disclosed, information about the third party cannot be released without the third party's consent.

Release of Information by the Department of the Solicitor General

A 1986 Order in Council designated that "the Minister of Social Services and any employee of the Government of Alberta under the administration of the Minister may inspect records kept pursuant to Sections 41 to 43 of the Young Offenders Act, pertaining to youth in their care pursuant to the Child Welfare Act for purposes related to providing and coordinating the care of those youth."

1.01 Requests for information concerning a youth who is also receiving services pursuant to the Child Welfare Act should be made directly to the youth's probation officer or youth worker.

1.02 The youth worker or probation officer, after receiving approval from the Centre Director or Community Corrections Administrator, will ensure the Family and Social Services employee access to the pertinent information on the young offender's file.

Section 3(1) of the Child Welfare Act clearly outlines the obligation and responsibility of any person who has reasonable and probable grounds to believe that a youth is in need of protection to report the matter to a director.

Youth in Need of Protection

A youth in need of protection is defined as a youth whose survival, security or development is endangered. In the Child Welfare Act, Section 1(2), these conditions are defined in more detail; however, the following factors indicate a need to report:

1.01 The youth does not appear to be in the care of or receiving appropriate care from a responsible guardian.

1.02 It appears the guardian of the youth is inflicting emotional, physical or sexual abuse on the youth.

1.03 It appears that the guardian of the youth is not protecting the youth from emotional, physical or sexual abuse.

1.04 It appears the behavior of the youth prevents the guardian from providing the youth with care appropriate to the youth's needs.

Decision to Report

Any staff member of the Department of the Solicitor General may receive information regarding allegations of abuse or neglect. These allegations may be made by the victim, a non-offending family member or other informants (e.g. neighbours, agency staff). The allegations may arise during the course of an authorized investigation (e.g. pre-trial

inquiry, predisposition reports, progress reports) or in the course of supervising a youth (e.g. on alternative measures, bail, probation, custody, temporary releases).

2.01 While a staff member receiving the information shall not conduct an investigation with regard to the allegations, it is important to obtain as much detail about the allegation as possible including:

- the name, age, sex and address of any youth concerned;
- the full names and addresses of the parents or guardians;
- name, address and other identifying information about the alleged offender;
- the name, address and telephone number of the person reporting the information; and,
- specific details of the incident or situation which precipitated the report.

2.02 Where the informant is the alleged victim or otherwise a child/youth, the staff member receiving the information should be sensitive to the youth's feelings. It is important to be encouraging, supportive, but neutral. When possible, the information should be obtained in an environment which is private and non-threatening.

Reporting

3.01 The youth worker or probation officer will ensure a report of a youth thought to be in need of protection services is made to the local Family and Social Services district office immediately.

Investigation of Reports

4.01 The Department of Family and Social Services will determine the need to investigate and proceed within three working days of receiving the report.

4.02 If there are indications that the youth may be in imminent danger, the investigative process shall begin immediately.

4.03 The child protection case manager will advise the probation officer or youth worker if there is a need to investigate; and, in those cases where the investigation proceeds, the child protection case manager will provide the probation officer or youth worker with the results of the investigation.

4.04 The child protection case manager, in consultation with the probation officer or youth worker, will determine what information of the investigative process to release to the informant and who is to release the information.

4.05 Where a decision is made to investigate, the process will be concluded within thirty calendar days.

4.06 An investigation will conclude with one of the following actions:

- child welfare involvement is terminated;
- a child welfare support or custody agreement is established;
- the youth is apprehended by child welfare; or,
- child welfare has filed an application for a court order.

Referrals to Income Support

38 Referrals to Income Support should be considered for a youth who appears to be an appropriate candidate.

Youth in Need of Income Support

A youth with the following characteristics is a candidate for referral:

1.01 The youth is sixteen years or older and is attending school or a training program or is seeking employment.

1.02 The youth has established a lifestyle independent of his or her guardian or has a viable plan to establish an independent lifestyle.

1.03 The youth does not appear to be in need of protective services but does require transitional financial supports while establishing independent living arrangements.

Referral Procedure

2.01 The youth worker will collect identifying information about the youth and discuss with the youth a viable plan to live independently.

2.02 The guardians of the youth will be contacted to confirm their support for the youth living an independent lifestyle.

2.03 An appointment will be made with the appropriate Income Security office and all required screening data will be provided.

2.04 Specialized case management and consulting services are provided in some locations:

- Joint Integrated Measures for Youth (JIMY)
  1347 - 12 Avenue S.W.
  Calgary, Alberta T3C 0P6
  Telephone: 297-5698

- Edmonton Central Income Support District Office
  4th Floor, 10242 - 105 Street
  Edmonton, Alberta T5J 3L5
  Telephone: 493-7524

Provision of Services

3.01 Shelter and food benefits are restricted to room and board for one month. Extension of room and board benefits beyond one month may occur at the discretion of the caseworker in consultation with the casework supervisor.

3.02 A sixteen or seventeen year old may be assisted as a youth living with a guardian if a room and board situation is considered inappropriate. Benefits are paid to the guardian on behalf of the youth. The Social Allowance program does not require a "legal guardianship" (e.g. Private Guardianship Order).

3.03 In addition to room and board or living with a guardian benefits, youth may receive clothing, personal, medical, dental, prescriptions or other items deemed essential. Benefit packages total in the range of $300.00 to $400.00 per month.

40 3.04 Income security clients have the right to appeal any decision affecting them. An appeal is initiated by contacting a district office to complete and submit appeal forms. A youth may have someone speak on his behalf at any appeal committee meeting called.

The Children's Advocate may be a resource for youth with joint status. The Children's Advocate has a specific mandate to represent the rights, interests and viewpoints of youth who receive services under the Child Welfare Act. The Children's Advocate does not act on behalf of a youth unless the youth or another concerned individual requests involvement and the Children's Advocate determines a need to become involved.

Youth in Need of the Children's Advocate

Referral of a youth under any child welfare status (i.e. permanent or temporary guardianship, custody agreements, support agreements or supervision order) should occur when a youth or any other person believes the following:

1.01 The youth's needs are not being met.

1.02 A youth's rights are not being protected.

1.03 A caseplan or decision affecting a youth has been made without taking the youth's viewpoint or interests into account, or without considering all of the information relevant to the situation.

Referral Procedure

The youth or other person will contact the regional office of the Children's Advocate.

3.01 The Children's Advocate will review referrals to determine the need for Advocacy and advise the person making the referral.

3.02 The Children's Advocate will investigate any case opened by communicating with the youth and other involved parties.

3.03 The Children's Advocate will maintain a youth-centered focus representing the rights, interests and viewpoints of youth receiving services under the Child Welfare Act.

Child Welfare Investigation of Young Offender Complaints

Where a youth reports an allegation of abuse perpetrated by a person employed by, contracted by or providing volunteer services directly for the Department of the Solicitor General, the two departments will work cooperatively to have the investigation proceed.

1.01 On the receipt of a report, the child protection case manager will ensure immediate notification of senior managers in both departments (i.e. District Office Manager; Regional Director; Director, Custody Facility; and Executive Director, Young Offender Branch).

1.02 The senior managers will consult and determine whether it is necessary to assign the child protection case manager to the investigation conducted by the officials of the Department of the Solicitor General.

Liaison for Ongoing Issues

44 A structured and formalized communication network involving the Department of Family and Social Services and the Department of the Solicitor General at the regional and provincial level is required to resolve areas of mutual concern arising from the implementation of this protocol.

1.01 Regional Liaison Committees will be established in each of the regional boundaries as defined by Family and Social Services.

1.02 Membership from the Department of Family and Social Services will include a manager from the regional office, and at least one other manager, supervisor or staff representative from the district offices and related programs.

1.03 Membership from the Department of the Solicitor General will include a senior representative (e.g. Centre Director, Assistant Director, District Director, Assistant District Director or Community Corrections Administrator) and at least one other manager, supervisor or staff representative from community corrections offices and young offender centres.

1.04 Chairmanship of the committees will be shared between the manager from the regional office of the Department of Family and Social Services and a manager from the Department of the Solicitor General.

1.05 Regional meetings will be held quarterly with minutes distributed to the representative managers with copies sent to the Executive Director, Child Welfare Services and the Executive Director, Young Offender Branch.

1.06 The regional meetings will provide a structure to facilitate the coordination of resources and information sharing, improve communication and resolve problems arising from this protocol.

1.07 Some community programs offer support services that are of benefit to youth receiving services from either the Department of the Solicitor General or the Department of Family and Social Services. Regional Joint Committees may review the philosophy of all programs considered for joint use and set fee for services rates and establish policy that will allow joint use.

1.08 If staff and supervisors from the respective departments are unable to resolve an issue that requires immediate clarification, the concern can be referred to the respective department's Regional Liaison Chairman to convene an emergency meeting.

1.09 The Executive Director, Child Welfare Services, and the Executive Director, Young Offender Branch, will conduct a yearly review of the protocol.